REMARKS

In the office action, the Abstract was objected to as exceeding the 150-word limit specified in M.P.E.P. § 608.01(b). Applicants have replaced the Abstract with one that complies with § 608.01(b), and therefore respectfully submit that this objection has been overcome.

Further, claims 1-2 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have cancelled these claims, and accordingly amended the remaining claims to clarify the claimed subject matter and correct informalities. Applicants respectfully submit that all remaining claims comport with 35 U.S.C. § 112, second paragraph.

Additionally, claims 1-10, 13, 16, 17, 20-25, 28 and 31-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,905,942 to Stoel et al. (hereinafter "Stoel "). These claims have been cancelled and their limitations appended to the remaining claims. Accordingly, these rejections are moot.

Further, claims 11, 12, 14, 15, 26, 27, 29 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious over Stoel, and claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Stoel in view of U.S. Patent No. 5,781,734 to Ohno et al. (hereinafter "Ohno"). Claims 11, 14, 18, 26 and 29 have been rewritten to include all the limitations of the claims upon which they previously depended (but which now have been cancelled). Applicants respectfully submit that these newly amended claims and their corresponding depending claims 12, 15, 19, 27 and 30 are in condition for allowance.

Applicants have added new claims 36-45. Applicants submit that the new claims have sufficient foundation in the specification (e.g., p. 14, lines 2-9), and that no new matter has been added. Applicants respectfully submit that these claims are in condition for allowance.

Rejections under 35 U.S.C. § 103(a)

In the office action, claims 11, 12, 14, 15, 26, 27, 29 and 30 were rejected under

35 U.S.C. § 103(a) as obvious over Stoel, and claims 18 and 19 were rejected as being obvious over Stoel in view of Ohno. Claims 11, 14, 18, 26, and 29 have been amended and rewritten in independent form to include all of the limitations of the claims they depended from. Applicants provide the following remarks regarding the rejections of these claims.
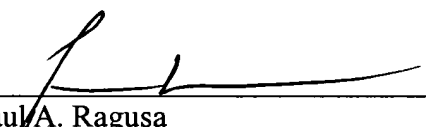
Regarding the rejections of claims 11, 12, 14, 15, 26, 27, 29 and 30, the portion of Stoel used to support these rejections as cited in the office action (col. 5, lines 45-49) describes a parental control system for restricting children from viewing particular programs. However, claims 11, 12, 14, 15, 26, 27, 29 and 30 recite the storing of a much broader set of information – including the collection of user data which may be used to perform a variety of functions, such as the customization of the menu interface that is displayed on the user's audiovisual serving device. (See Application, Abstract). This user information may include information regarding previous purchases, a preferred language, billing information, etc. (See Application, Specification, p. 14, lines 4-9). Stoel fails to teach or even remotely suggest these claimed features. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Regarding the rejection of claim 18 as unpatentable over Stoel in view of Ohno, claim 18 has been amended to further define the claimed subject matter, and Applicants respectfully submit that this claim as amended is in condition for allowance. Furthermore, because claim 19 contains all of the limitations of claim 18, Applicants submit that this claim also is in condition for allowance. Additionally, Stoel and Ohno fail to teach or suggest at least the allocation of a particular assignable computing device to a particular user to generate and display a menu to the user, as is recited in newly amended independent claim 18. Claim 18 therefore is not rendered obvious by Stoel or Ohno, taken individually or in concert. Accordingly, Applicants respectfully request that these rejections be withdrawn in light of the foregoing amendments and remarks.

CONCLUSION

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of claims 11, 12, 14, 15, 18, 19, 26, 27, 29, 30 and 36-45 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

Paul A. Ragusa
PTO Reg. No. 38,587
Attorney for Applicant
(212) 408-2588

BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please replace the Abstract with the following paragraph:

- - A method and system for video distribution among a plurality of users uses a host computing device that allocates tasks among a number of audiovisual serving devices. A user can select between traditional video program material, such as scheduled special events and on-demand feature length films, as well as Internet access, video games and computer applications. Assignable Computing Devices (ACDs), one type of audiovisual serving device within the system, are used for a number of functions including providing Internet access to users, controlling the menu-driven process of selecting program material and providing computer applications to users. Other types of audiovisial serving devices provide program material such as on-demand feature length films and video games. The user communicates with the ACDs through an intuitive graphical user interface (GUI) while selecting program material to view through a series of menus, which may be customized according to the preferences of an individual user.- -

IN THE CLAIMS:

Please cancel claims 1-10, 13, 16, 17, 20-25, 28 and 31-35.

Please amend the claims as follows:

11.   (Amended) [A method in accordance with claim 3 further comprising] A method for presenting program material from a plurality of program sources to users using a host computing device and allocating tasks among a plurality of audiovisual serving devices, said method comprising:

responding to a user request to order program material by selecting one of a plurality of Assignable Computing Devices to generate a menu, said menu listing available program material;

presenting the user with said menu over a Room Communication Subsystem;

receiving a program selection from the user over the Room Communication Subsystem;

responding to said selection of program material by selecting one of a plurality of *claim 3* audiovisual serving devices to present the program material;

presenting the program material to the user over the Room Communication Subsystem; and

creating a set of user data, said set of user data listing stated user preferences.

14. (Amended) [A method in accordance with claim 13 further comprising] A method for presenting program material from a plurality of program sources to users using a host computing device and allocating tasks among a plurality of audiovisual serving devices, said method comprising:

responding to a user request to order program material by selecting one of a plurality of Assignable Computing Devices to generate a menu, said menu listing available program material;   *claim 3*

presenting the user with a broadcast channel;   *claim 13*

presenting the user with said menu over a Room Communication Subsystem;

receiving a program selection from the user over the Room Communication Subsystem;

responding to said selection of program material by selecting one of a plurality of audiovisual serving devices to present the program material; and

presenting the program material to the user over the Room Communication Subsystem; and

creating a set of user data, said set of user data listing stated user preferences.

18. (Amended) [A method in accordance with claim 3 further comprising] A method for presenting program material from a plurality of program sources to users using a host computing device and allocating tasks among a plurality of audiovisual serving devices, said method comprising:

responding to a user request to order program material by selecting one of a

plurality of Assignable Computing Devices to generate a menu, said menu listing available program material;

 presenting the user with said menu over a Room Communication Subsystem;

 receiving a program selection from the user over the Room Communication Subsystem;

 responding to said selection of program material by selecting one of a plurality of audiovisual serving devices to present the program material;

 presenting the program material to the user over the Room Communication Subsystem; and

 polling the audiovisual serving device for status after a first defined interval of time.

claim 3

]-claim 18

26. (Amended) [An apparatus in accordance with claim 25 further comprising] An apparatus for presenting program material from a plurality of program sources to users using a host computing device and a plurality of audiovisual serving devices, comprising:

 a programming subsystem, said programming subsystem including a plurality of audiovisual serving devices;

 a Room Communication Subsystem, said Room Communication Subsystem connecting a plurality of user terminals to the system;

 a Site Management Subsystem; and

 a plurality of Assignable Computing Device audiovisual serving devices;

 wherein said audiovisual serving devices communicate with the user terminals over said Room Communication Subsystem, said Site Management Subsystem can assign at least one Assignable Computing Device to communicate with a user terminal in response to an initial communication from a user terminal; a set of user data is stored, said user data listing stated user preferences, and further wherein a menu responsive to a list of currently available program material may be generated.

claim 20

] 24

29. (Amended) [An apparatus in accordance with claim 28 further comprising] An apparatus for presenting program material from a plurality of program sources to users

using a host computing device and a plurality of audiovisual serving devices, comprising:

a programming subsystem, said programming subsystem including a plurality of audiovisual serving devices;

a Room Communication Subsystem, said Room Communication Subsystem connecting a plurality of user terminals to the system;

a Site Management Subsystem;

a plurality of Assignable Computing Device audiovisual serving devices; and

a broadcast channel;   *claim 2b*

wherein said audiovisual serving devices communicate with the user terminals over said Room Communication Subsystem, said Site Management Subsystem can assign at least one Assignable Computing Device to communicate with a user terminal in response to an initial communication from a user terminal, and a set of user data is stored, said user data listing stated user preferences.

claim 2D

Please add new claims 36-45 as follows:

36.   (Added) The method of claim 11, wherein the menu generated is automatically customized based on information related to the user.

37.   (Added) The method of claim 11, wherein the menu generated is customized upon the request of the user.

38.   (Added) The method of claim 14, wherein the menu generated is automatically customized based on information related to the user.

39.   (Added) The method of claim 14, wherein the menu generated is customized upon the request of the user.

40.   (Added) The method of claim 18, wherein the menu generated is automatically customized based on information related to the user.

NY02:417306.2

13

41. (Added) The method of claim 18, wherein the menu generated is customized upon the request of the user.

42. (Added) The apparatus of claim 26, wherein the menu generated is automatically customized based on information related to the user.

43. (Added) The apparatus of claim 26, wherein the menu generated is customized upon the request of the user.

44. (Added) The apparatus of claim 29, wherein the menu generated is automatically customized based on information related to the user.

45. (Added) The apparatus of claim 29, wherein the menu generated is customized upon the request of the user.